

JAN 09 2024

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICOMITCHELL R. ELFERS
CLERK

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FERMIN AGUILERA,

Defendant.

)
)
) CRIMINAL NO. 24-036 JB
)
) Count 1: 21 U.S.C. §§ 841(a)(1) and
) (b)(1)(B)(vi): Possession with Intent to
) Distribute 40 grams and more of Fentanyl
) (N-phenyl-N-[1-(2-phenylethyl)-4-
) piperidinyl] propanamide);
)
) Count 2: 18 U.S.C. §§ 922(g)(1) and 924:
) Felon in Possession of a Firearm and
) Ammunition;
)
) Count 3: 18 U.S.C. § 924(c)(1)(A)(i):
) Possession of a Firearm in Furtherance of
a Drug Trafficking Crime.

INDICTMENT

The Grand Jury charges:

Count 1

On or about August 27, 2023, in Socorro County, in the District of New Mexico, the defendant, **FERMIN AGUILERA**, unlawfully, knowingly, and intentionally possessed with intent to distribute a controlled substance, and the offense involved 40 grams and more of a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide).

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(B)(vi).

Count 2

On or about August 27, 2023, in Socorro County, in the District of New Mexico, the defendant, **FERMIN AGUILERA**, knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, specifically:

(1) home invasion, and

(2) armed robbery,

knowingly possessed a firearm and ammunition in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924.

Count 3

On or about August 27, 2023, in Socorro County, in the District of New Mexico, the defendant, **FERMIN AGUILERA**, knowingly possessed a firearm in furtherance of a drug trafficking crime, specifically, possession with intent to distribute fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide), as charged in Count 1 of this indictment.

In violation of 18 U.S.C. § 924(c)(1)(A)(i).

FORFEITURE ALLEGATIONS

Upon conviction of any offense in violation of 21 U.S.C. § 841, the defendant, **FERMIN AGUILERA**, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense(s) and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense(s). The property to be forfeited includes, but is not limited to:

- a. a Smith and Wesson, model M&P9 M2.0, 9mm caliber pistol, serial number NLW1149, and

b. approximately nine rounds of 9mm caliber ammunition.

Upon conviction of any offense in violation of 18 U.S.C. § 922(g) , the defendant, **FERMIN AGUILERA**, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of the offense(s), including, but not limited to:

- a. a Smith and Wesson, model M&P9 M2.0, 9mm caliber pistol, serial number NLW1149, and
- b. approximately nine rounds of 9mm caliber ammunition.

A TRUE BILL:


Assistant United States Attorney

151
FOREPERSON OF THE GRAND JURY